

5:21mj1104

Case: 1:21-mj-00325
Assigned To : Meriweather, Robin M.
Assign. Date : 3/18/2021
Description: Complaint w/ Arrest Warrant

STATEMENT OF FACTS

Your affiant, John R. Minichello, is a Special Agent with the FBI and has served in that capacity since graduating from the basic agent training program at the FBI Academy in Quantico, Virginia in 2010. I am currently assigned to the FBI Cleveland Division. Currently, I am tasked with investigating criminal activity in and around the Capitol grounds on January 6, 2021. As a Special Agent, I am an “investigative or law enforcement officer” of the United States within the meaning of Title 18, United States Code, Section 2510(7), that is, an officer of the United States who is empowered by law to conduct investigations of and to make arrests for offenses enumerated in Title 18, United States Code, Section 2516(1).

The U.S. Capitol is secured 24 hours a day by U.S. Capitol Police. Restrictions around the U.S. Capitol include permanent and temporary security barriers and posts manned by U.S. Capitol Police. Only authorized people with appropriate identification are allowed access inside the U.S. Capitol. On January 6, 2021, the exterior plaza of the U.S. Capitol was also closed to members of the public.

On January 6, 2021, a joint session of the United States Congress convened at the United States Capitol, which is located at First Street, SE, in Washington, D.C. During the joint session, elected members of the United States House of Representatives and the United States Senate were meeting in separate chambers of the United States Capitol to certify the vote count of the Electoral College of the 2020 Presidential Election, which had taken place on November 3, 2020. The joint session began at approximately 1:00 p.m. Shortly thereafter, by approximately 1:30 p.m., the House and Senate adjourned to separate chambers to resolve a particular objection. Vice President Mike Pence was present and presiding, first in the joint session, and then in the Senate chamber.

As the proceedings continued in both the House and the Senate, and with Vice President Mike Pence present and presiding over the Senate, a large crowd gathered outside the U.S. Capitol. As noted above, temporary and permanent barricades were in place around the exterior of the U.S. Capitol building, and U.S. Capitol Police were present and attempting to keep the crowd away from the Capitol building and the proceedings underway inside.

At such time, the certification proceedings were still underway and the exterior doors and windows of the U.S. Capitol were locked or otherwise secured. Members of the U.S. Capitol Police attempted to maintain order and keep the crowd from entering the Capitol; however, shortly around 2:00 p.m., individuals in the crowd forced entry into the U.S. Capitol, including by breaking windows and by assaulting members of the U.S. Capitol Police, as others in the crowd encouraged and assisted those acts.

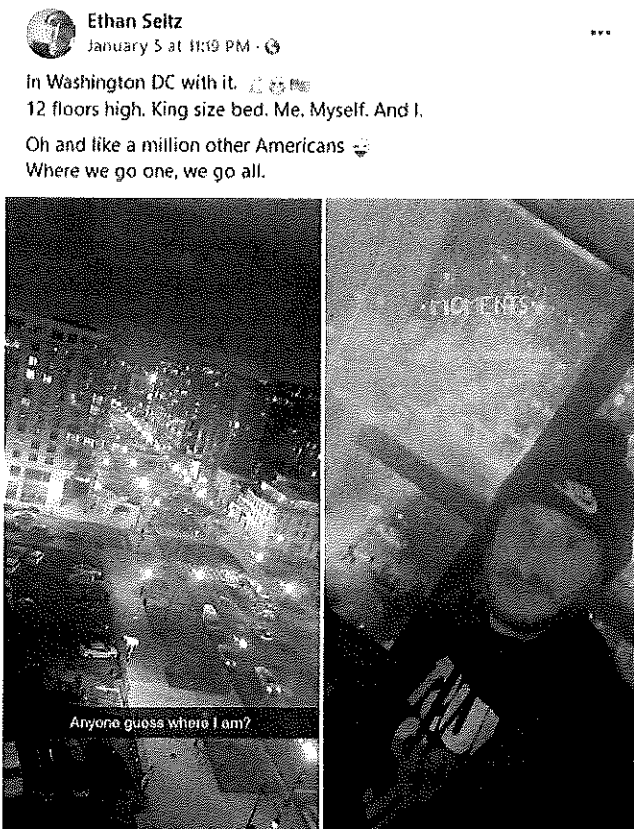
Shortly thereafter, at approximately 2:20 p.m. members of the United States House of Representatives and United States Senate, including the President of the Senate, Vice President Mike Pence, were instructed to—and did—evacuate the chambers. Accordingly, the joint session of the United States Congress was effectively suspended until shortly after 8:00 p.m. Vice President Pence remained in the United States Capitol from the time he was evacuated from the Senate Chamber until the sessions resumed.

During national news coverage of the aforementioned events, video footage which appeared to be captured on mobile devices of persons present on the scene depicted evidence of violations of local and federal law, including scores of individuals inside the U.S. Capitol building without authority to be there.

On January 13, 2021, two cooperating witnesses (“CW1” and “CW2”) reported to your affiant that Ethan SEITZ, an individual well known to both CW1 and CW2 who uses Facebook account ethan.seitz.3, participated in the protest at the Capitol on January 6, 2021. CW1 and CW2 were aware of SEITZ’s participation because SEITZ posted statements on Facebook account ethan.seitz.3 that he entered the Capitol building. CW1 and CW2 identified the ethan.seitz.3 Facebook account as associated with SEITZ. The ethan.seitz.3 Facebook account also includes photographs and videos, which appear to document SEITZ’s progress from the Capitol grounds through established police barricades, and into the Capitol building itself. CW1 and CW2 provided their information to your affiant voluntarily, without financial compensation or other enticement/inducement, and their reporting was corroborated through a review of publicly available information and law enforcement records.

On January 13, 2021, CW2 provided access to CW2’s Facebook account for your affiant. CW2’s Facebook account is in a “friend” status with ethan.seitz.3, which allows viewing of account content restricted to those in a “friend” status.

While viewing account ethan.seitz.3, your affiant observed statements made by the account user of ethan.seitz.3 on January 5, 2021, in which the user states they are “In Washington DC” and “Anyone guess where I am?” along with a photograph of Ethan SEITZ in what your affiant believes is a hotel room in the Washington, D.C., area.



During the review of Facebook account ethan.seitz.3, your affiant observed multiple video and image files which appear to have been taken using a cellular telephone. Some of these files captured events as the recording party moved with the crowd of rioters from the Capitol grounds, through a police barricade as it was overrun, and into the Capitol building.

Your affiant obtained a search warrant for Facebook account ethan.seitz.3. On or about February 12, 2021, Facebook provided records in response to that warrant, which contained messages between SEITZ and other individuals, in which SEITZ appears to describe some of his activities during the assault on the Capitol. The messages include references to being part of a group of people "pushing." Other messages indicate that SEITZ and others came to Washington, D.C., to "stop the steal." These communications include the following messages at the dates and times listed below:

Ethan Seitz to Cody Kissling

2021-01-06 17:48:21 (UTC)

There is a militia here that wants to storm the Capitol and take the building after Trumps speech 🇺🇸

Ethan Seitz to Rae Rae

2021-01-06 19:25:35 (UTC)

I'm goin in the capitol

Ethan Seitz to Rae Rae

2021-01-06 19:27:20 (UTC)

I just climbed in through a broken window

~~Ethan Seitz to Rae Rae~~

2021-01-06 20:03:52 (UTC)

I was inside the capitol and was smashed in a group of people. They fuckin pepper sprayed us and hit us with tear gas canisters inside the capitol building.

~~Ethan Seitz to Cynthia Seitz Campbell~~

2021-01-06 20:03:52 (UTC)

I was inside upstairs in the capitol pushing with a group of people and they fuckin gassed us again. And pepper sprayed us

~~Ethan Seitz to Rae Rae~~

2021-01-06 20:03:57 (UTC)

I had to climb out a window. I couldnt breathe. I need a fuckin gas mask

~~Ethan Seitz to Cynthia Seitz Campbell~~

2021-01-06 20:03:57 (UTC)

I had to climb out a window. Couldnt breath or see. Then someone doused my eyes with water

~~Ethan Seitz to Cody Kissling~~

2021-01-06 20:05:11 (UTC)

I climbed through a broken window of the capitol. We pushed and pushed bro. I've been gassed 2 or 3 times. And pepper sprayed. I had to climb back out I couldnt breath.

~~Ethan Seitz to Rae Rae~~

2021-01-07 0:06:30 (UTC)

Yeah I didnt really prepare for that. I didnt expect to be on the frontline storming the capitol and taking the building lol


~~Ethan Seitz to Cynthia Seitz Campbell~~

2021-01-07 0:07:26 (UTC)

Yeah. My eyes are still burning. My ears are ringing from the flash bombs and shit. And my neck hurts cause I got hit with a night stick trying to pull a woman away from the cops as they were beating her

~~Ethan Seitz to Rae Rae~~

2021-01-07 0:16:49 (UTC)

Lol well I'm safe. I guess its whatever. First time I ever came to DC and I was right at the front of the charge into the capitol  seems fitting I suppose

~~Ethan Seitz to Brandon Kessinger~~

2021-01-07 0:38:41 (UTC)

But I did storm the fuckin capitol and climb in through a window. Got gassed and pepper sprayed. Flash bombs thrown at me. And fuckin rubber bullets shot at me.

~~Ethan Seitz~~

2021-01-07 1:56:37 (UTC)

I've been looking at all the news stories about DC today. The narrative is absolutely ridiculous. From someone who was here all day AND inside the capitol building at the very beginning. I promise you.. the fake news is trying to make it out to be a whole other thing. So are the corrupt politicians. The media is reporting it as an attempted coup. When the coup is already happening against Trump through a fraudulent election. The patriots in DC were here to show WE THE PEOPLE will not allow our country to be stolen! #StopTheSteal #MarchForTrump

Ethan Seitz to Cynthia Seitz Campbell

2021-01-07 2:41:49 (UTC)

Oh yeah idgaf dude. I pay taxes. That's mine and every other tax paying americans building. The federal government is run by WE THE PEOPLE. I didnt break no laws. I didnt destroy anything or hurt any body. I didnt even steal anything. Which was really hard for me. Lol

Ethan Seitz/Rae Rae

2021-01-07 18:16:27 (UTC)

Pretty much nothing once Trump is out of office. Pile guns and wait for the war to start

A search of video footage obtained by the FBI revealed a video file which shows SEITZ sitting immediately outside the Capitol at some point following the breach, apparently suffering from exposure to chemical irritants, and wearing clothing which is consistent with a description of himself that he posted to Facebook, which stated:

Ethan Seitz to Cody Kissling

2021-01-07 0:11:25 (UTC)

Blue nike coat. Red hoodie under it. Coat unzipped. Black nike hat.

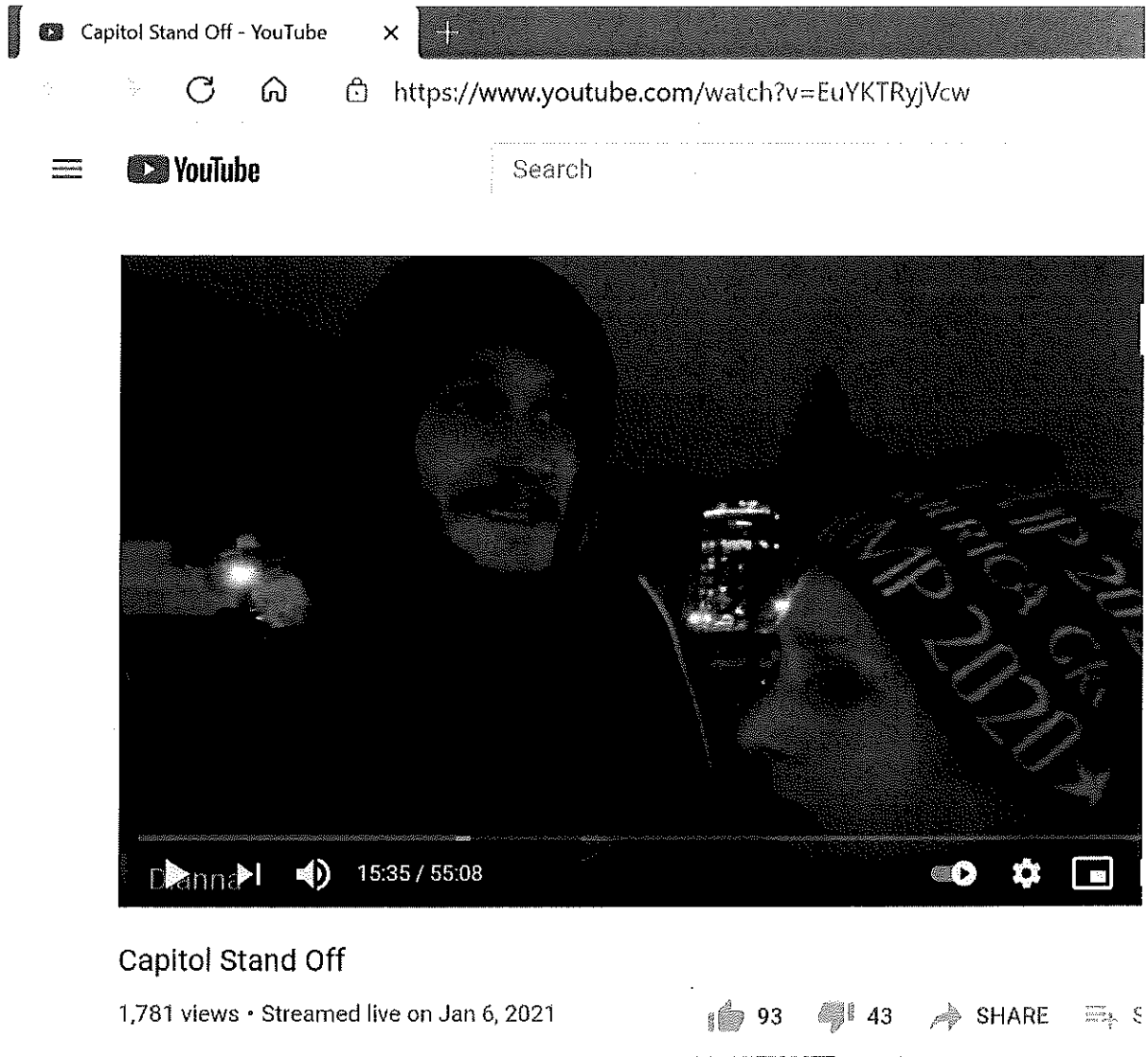
A still image from this video is pictured below:



In addition, your affiant reviewed a video posted to YouTube by a former radio host, D.P., in which she appears to interview SEITZ during the evening of January 6. In the interview, SEITZ gives his name, states that he entered the Capitol building, and describes how he was part of a group that rushed in and went across the Capitol building before encountering a door locked by the “cops” that his group pushed through in order to let rioters through another entrance. He also explains that he thought that the police resistance to the Capitol invasion was “disgusting” because the rioters were there because of “election integrity,” and because of his view that former President

Trump won the 2020 election. SEITZ also mentions that he drove seven hours to travel to Washington, D.C. According to law enforcement records, SEITZ lives in Sandusky, Ohio, which is approximately a seven-hour drive from Washington D.C.

Below is a screenshot from the video of SEITZ's interview with D.P.:



Your affiant has obtained an Ohio driver's license issued to SEITZ, and SEITZ's driver's license photograph is consistent with the individual who appears in photographs in the ethan.seitz3 Facebook account and YouTube video described above, as well as in the U.S. Capitol security footage described below.

Your affiant reviewed video footage from multiple internal U.S. Capitol security cameras, which appear to clearly depict SEITZ inside the Capitol rotunda and connecting hallways during

the invasion of the Capitol on January 6, 2021. The images of SEITZ in the video footage are recognizable not only when compared to his Ohio driver's license photograph, but they are also consistent with the clothing that SEITZ is wearing both in his interview with D.P., and also appear to match other images of SEITZ outside the Capitol described earlier in this affidavit. Below is a screenshot from the video with a red circle added to identify SEITZ:



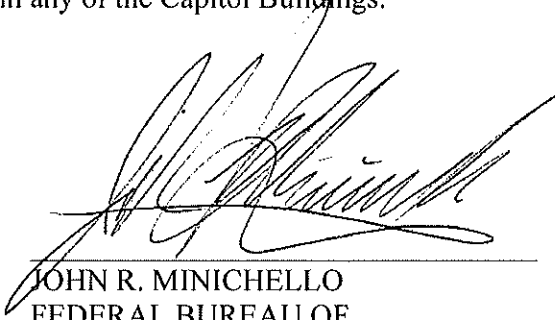
Based on the foregoing, your affiant submits that there is probable cause to believe that SEITZ violated 18 U.S.C. § 1752(a)(1) and (2), which makes it a crime to (1) knowingly enter or remain in any restricted building or grounds without lawful authority to do; and (2) knowingly, and with intent to impede or disrupt the orderly conduct of Government business or official functions, engage in disorderly or disruptive conduct in, or within such proximity to, any restricted building or grounds when, or so that, such conduct, in fact, impedes or disrupts the orderly conduct of Government business or official functions, or attempts or conspires to do so. For purposes of Section 1752 of Title 18, a “restricted building” includes a posted, cordoned off, or otherwise restricted area of a building or grounds where the President or other person protected by the Secret Service, including the Vice President, is or will be temporarily visiting; or any building or grounds so restricted in conjunction with an event designated as a special event of national significance.

Your affiant submits there is also probable cause to believe that Ethan SEITZ violated 40 U.S.C. § 5104(e)(2)(D) and (G), which makes it a crime to willfully and knowingly (D) utter loud, threatening, or abusive language, or engage in disorderly or disruptive conduct, at any place in the Grounds or in any of the Capitol Buildings with the intent to impede, disrupt, or disturb the orderly conduct of a session of Congress or either House of Congress, or the orderly conduct in that

/

/

building of a hearing before, or any deliberations of, a committee of Congress or either House of Congress; and (G) parade, demonstrate, or picket in any of the Capitol Buildings.



JOHN R. MINICHELLO
FEDERAL BUREAU OF
INVESTIGATION

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 18th day of March 2021.



2021.03.18
19:13:30 -04'00'

ROBIN M. MERIWEATHER
U.S. MAGISTRATE JUDGE